

11-5218

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**  
**OCT 24 2011**

Jim Ruby, Executive Secretary  
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF )  
VIOLATION AND ORDER ISSUED TO: )

Keyhole Marina, LLC )  
P.O. Box 608 )  
Gillette, WY 82717 )

DOCKET NUMBER: 4872-11

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Keyhole Marina, LLC, owns and operates Keyhole Marina, storage tank facility 0-002210, which is located at Keyhole State Park, near Moorcroft, Wyoming. The facility has one aboveground storage tank (AST) that is used to sell fuel retail.
2. A Spill Prevention Control and Countermeasure (SPCC) plan has not been submitted to the Department of Environmental Quality, and the facility does not have a licensed operator.
3. The DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, have occurred at Keyhole Marina:

**Count 1: Failure to Submit an SPCC [WWQRR, Chapter 17, Section 36(c)].** As owner of an AST, Keyhole Marina, LLC, is in violation of WWQRR, Chapter 17, Section 36(c), for failure to submit an SPCC to the Department of Environmental Quality.

**Count 2: Failure to Have a Licensed Operator [WWQRR, Chapter 17, Section 46(a)].** As owner of an AST, Keyhole Marina, LLC, is in violation of WWQRR, Chapter 17, Section 46(a), for failure to have a licensed operator.

4. This Notice is being sent to Keyhole Marina, LLC, pursuant to W.S. 35-11-701(c)(i), which requires that in any case of the failure to correct or remedy an alleged violation, the director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

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ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Keyhole Marina, LLC, return the facility into compliance with WWQRR, Chapter 17 as described within 60 days of receipt of this NOV.

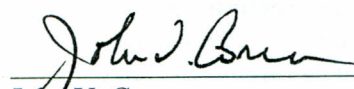
Keyhole, LLC, shall:

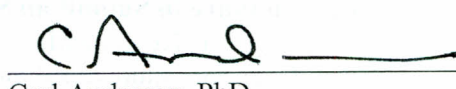
- A. Create an SPCC for Keyhole Marina and submit it to the Department of Environmental Quality for review.
- B. Assign a licensed operator to the Keyhole Marina facility and provide evidence to the Department of Environmental Quality for review.

THIS ORDER is final unless, not later than ten (10) days after the date this notice is received, it is appealed by filing a written petition for a hearing before the Environmental Quality Council. If a hearing is requested, the petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, Room 1714 Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of Environmental Quality, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

NOTHING IN THIS ORDER shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this Order be interpreted as being a condition precedent to any other enforcement action.

ORDERED this 24th day of October, 2011.

  
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John V. Corra  
Director  
Department of Environmental Quality

  
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Carl Anderson, PhD  
Administrator  
Solid and Hazardous Waste Division

PLEASE DIRECT ALL INQUIRES TO: Oma Gilbreth, Storage Tank Program Compliance Supervisor at 122 West 25th Street, Fourth Floor, West Wing, Cheyenne, WY 82002, (307) 777-7097 or (307) 777-5973 FAX for technical matters.

JVC/CA/KH/OG